

**Cause No. PD-0787-18**

**DEMOND FRANKLIN**

§

**COURT OF**

FILED

COURT OF CRIMINAL APPEALS

2/4/2019

DEANA WILLIAMSON, CLERK

**VS.**

§

**CRIMINAL APPEALS**

§

**STATE OF TEXAS**

§

**OF TEXAS**

**MOTION TO AMEND APPELLANT'S BRIEF**

TO THE HONORABLE COURT OF APPEALS:

COMES NOW, appellant, DEMOND FRANKLIN, who by and through his appellate counsel of record, Mr. Dean A. Diachin, and pursuant to TEX. R. APP. P. 38.7, does hereby respectfully move this Honorable Court for leave to amend appellant's brief, and in support thereof would show the Court the following:

**I. Procedural History.**

Appellant was found guilty of capital murder on December 12, 2017. The trial court automatically sentenced appellant to life without parole that same date. This Court granted appellant's timely petition for discretionary review on December 12, 2018. Appellant timely filed his opening brief on January 28, 2019. The State has yet to file any brief in response, which is currently due February 27, 2019.

**II. Reason for Amendment.**

Minor errors in typography, word choice, & example citation in appellant's brief persisted even after appellant's brief was filed. None of appellant's recent edits and/or corrections significantly changes the structure or content of appellant's initial arguments. However, out of an abundance of caution, appellate counsel hopes to present the most reader-friendly work product possible.

### **III. Prayer**

WEREFORE, appellant respectfully requests this Honorable Court grants appellant's Motion to Amend Appellant's Brief, and accepts appellant's first amended brief in lieu of the brief counsel filed on January 28, 2019.

Respectfully submitted,

s/ *Dean A. Diachin*

DEAN A. DIACHIN

Bexar County Assistant Public Defender

Paul Elizondo Tower

101 W. Nueva St., Suite 370

San Antonio, Texas 78204

TBN: 00796464

Phone: (210) 335-0701

Fax: (210) 335-0707

E-mail: [dean.diachin@bexar.org](mailto:dean.diachin@bexar.org)

ATTORNEY FOR APPELLANT.

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing Second Motion to Amend Appellant's Brief has been emailed to the Bexar County District Attorney's Office, Appellate Division, 101 W. Nueva St., San Antonio, TX 78205 on February 4, 2019.

/s/ *Dean A. Diachin*  
DEAN A. DIACHIN